

BEFORE THE  
**Federal Communications Commission**  
WASHINGTON, D.C.

**ORIGINAL**

**DOCKET FILE COPY ORIGINAL**

In the Matter of	)	MM Docket No. 91-58
	)	
Amendment of Section 73.202(b)	)	RM-7419
Table of Allotments	)	RM-7797
FM Broadcast Stations	)	RM-7798
(Caldwell, Texas, et al)	)	

**RECEIVED**

**AUG 17 1999**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**

To: The Commission

**SUPPLEMENT TO REMAND FILING**

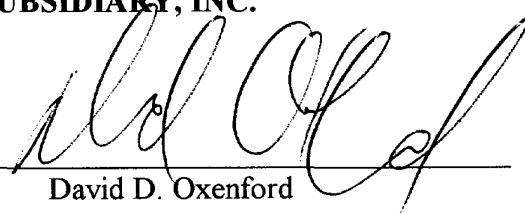
Bryan Broadcasting License Subsidiary, Inc. ("Bryan"), by its attorneys, hereby submits the attached following information in connection with the above-referenced proceeding. This information is being provided in the interests of full disclosure in this proceeding.

In this proceeding, Bryan noted that it had filed an application proposing a transmitter site that provided full city-grade coverage to College Station, Texas, the city of license of its station KTSR. The attached amendment to that application, filed simultaneously herewith, reports that the FAA has determined that the proposed site is a Presumed Hazard to Air Navigation. Bryan is currently reviewing its options in light of this FAA decision.

Respectfully submitted,

**FISHER WAYLAND COOPER LEADER  
& ZARAGOZA L.L.P.**  
2001 Pennsylvania Avenue, N.W.  
Suite 400  
Washington, D.C. 20006  
(202) 659-3494

**BRYAN BROADCASTING LICENSE  
SUBSIDIARY, INC.**

By:   
David D. Oxenford

Dated: August 17, 1999

Its Attorney

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August 17, 1999

**VIA HAND DELIVERY**

Ms. Magalie Roman Salas, Secretary  
Federal Communications Commission  
445 12th Street, S.W., Room TW-A325  
Washington, D.C. 20554

**Re: KTSR(FM), College Station, Texas**  
**Application for Modification of Construction Permit**  
**FCC File No. BMPH-990419IB**

Dear Ms. Salas:

Bryan Broadcasting License Subsidiary, Inc., by its attorneys, hereby submits the attached amendment to the above-referenced application for a modification of its outstanding construction permit for a modification in the facilities of KTSR(FM), College Station, Texas. This amendment is filed pursuant to Section 1.65 of the Commission's rules to report that the FAA has declared the proposed transmitter site to be a presumed hazard to air navigation. The applicant is currently reviewing alternative sites and other options to resolve this problem.

The amendment is filed slightly outside of the thirty days provided by Section 1.65, due to it being inadvertently overlooked during counsel's vacation. Nevertheless, it is being voluntarily brought to the Commission's attention, before the comment period on FAA's determination has even expired. Thus, the time of its filing is of no consequence.

Should there be any questions concerning this matter, please contact the undersigned.

Sincerely,



David D. Oxenford

cc: Robert Buenzle, Esq.

**AMENDMENT**

Bryan Broadcasting License Subsidiary, Inc., hereby amends its pending application for a modification of the construction permit of KTSR (FM), College Station, Texas, to report that the FAA has determined that the tower proposed in the application is a Presumed Hazard to air navigation. The applicant is currently conducting a study to locate an alternative transmitter site.

Bryan Broadcasting License Subsidiary, Inc.

By  \_\_\_\_\_

Ben D. Downs  
Vice President

Date: August 16, 1999

Federal Aviation Administration  
Southwest Region  
Air Traffic Division, ASW-520  
Fort Worth, TX 76193-0520

AERONAUTICAL STUDY  
No: 99-ASW-1384-OE

ISSUED DATE: 06/28/99

EEN DOWNS  
RADIO STATION KTSR  
P.O. BOX 3248  
ERYAN, TX 77805

**\*\* PRESUMED HAZARD \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and, if applicable, Title 14 of the Code of Federal Regulations, part 77 concerning:

Description: ANTENNA TOWER / 95.1 MHZ @ 45 KW  
TV CH. 34 - 590-596 MHZ @ 76 KW  
Location: BRYAN TX  
Latitude: 30-45-30.59 NAD 83  
Longitude: 096-22-41.51  
Heights: 533 feet above ground level (AGL)  
871 feet above mean sea level (AMSL)

The initial findings of this study indicate that the structure as described above would exceed obstruction standards and/or would have an adverse physical or electromagnetic interference effect upon navigable airspace or air navigation facilities. Therefore, pending resolution of the issues described below, it is hereby determined that the structure is presumed to be a hazard to air navigation.

If the structure were reduced in height so as not to exceed 200 feet above ground level ( 538 feet above mean sea level), it would not exceed obstruction standards and a favorable determination could subsequently be issued.

Any height exceeding 200 feet above ground level ( 538 feet above mean sea level) will result in a substantial adverse effect and would warrant a Determination of Hazard to Air Navigation.

See attachment for further information.

A copy of this determination will be forwarded to the Federal Communications Commission if the structure is subject to their licensing authority.

NOTE: PENDING RESOLUTION OF THE ISSUES DESCRIBED ABOVE, THE STRUCTURE IS PRESUMED TO BE A HAZARD TO AIR NAVIGATION. THIS DETERMINATION DOES NOT AUTHORIZE CONSTRUCTION OF THE STRUCTURE EVEN AT A REDUCED HEIGHT. ANY RESOLUTION OF THE ISSUES DESCRIBED ABOVE MUST BE COMMUNICATED TO THE FAA SO THAT A FAVORABLE DETERMINATION CAN SUBSEQUENTLY BE ISSUED.

IF MORE THAN 60 DAYS FROM THE DATE OF THIS LETTER HAS ELAPSED WITHOUT ATTEMPTED RESOLUTION, IT WILL BE NECESSARY FOR YOU TO REACTIVATE THE STUDY BY FILING A NEW FAA FORM 7460-1, NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION.

If we can be of further assistance, please contact our office at 817-222-5534. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 99-ASW-1384-OE.

*Bruce C Beard*

Bruce C. Beard  
Specialist, Airspace Branch

(DPH)

Attachment

**CERTIFICATE OF SERVICE**

I, Rhea Lytle, do hereby certify that I have this 17th day of August, 1999, mailed by first-class United States mail, postage prepaid, copies of the foregoing "**Supplement to Remand Filing**" to the following:

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\_\_\_\_\_  
Rhea Lytle

**\*Hand Delivery**